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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,148	07/19/1999	RAYMOND E. OZZIE	G0008/7004	7411

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BOSTON, MA 02109

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/356,148

Applicant(s)

OZZIE ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on January 13, 2003 has been entered. Claims 1, 7, 8, 12, 14, and 15 have been amended and are presented for further examination. Claim 16 has been cancelled.

Claims 1-15 are presented.

Response to Arguments

Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (US 5,806,075) in view of LaRue et al. (US 6,449,622).

Jain shows a method for data replication between local and remote sites. Jain's disclosure shows a collaborative network with local site and multiple remote sites in a peer to peer environment enabling a local and remote network devices to cooperatively edit the same data (see Abstract, col. 1 lines 14-29, col. 5 lines 12-18). Jain shows:

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- A memory (120) for storing a local copy of the data in accordance with a data model (fig. 1, col. 5 lines 24-26).
- A method for data-change engine (Transaction tables) coupled with the database, and responsive to data change requests (triggers col. 12 lines 51-57) from both locally and remotely generated data change requests (col. 6 line 37-44), for controlling storage of data in the database in accordance with data model and making changes to the local copy of the data (col. 7 lines 29-53).
- A method for a dynamics manager (calls table, col. 8 lines 50-67), responsive to the data change request for controlling the engine and coordinating execution of the data change, wherein the dynamic manager, responsive to the data change request, can cause the making of selected data changes in an order (col. 7 lines 65- col. 8 line 5), the rolling-back of the selected data changes when data change is received out of order, and remaking of the selected data changes in another order to maintain consistency between copies (col. 4 lines 30-40, col. 10 lines 4-29, col. 20 lines 7-13, col. 21 line 61- col. 22 line 55).

Although Jain shows substantial features of the claimed invention Jain does not explicitly show receiving data change requests out of order. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Jain as evidenced by LaRue. In an analogous art, LaRue shows a system for receiving dataset changes out of order (see abstract). LaRue shows,

- Coordinating execution of the data requests that are received out of order (col. 13 lines 7-29).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jain to employ the features shown by LaRue in order to accommodate environments such as high latency environments (col. 3 lines 59- col. 4 line 5).

In referring to claim 2, Jain shows making changes in response to a change request priority scheme (col. 7 line 55- col. 8 line 5, col. 8 lines 58-61).

In referring to claim 3, Jain shows data change requests priority scheme including encoding sequence number (delivery order number) with data change request, and dynamics manager determining an order for making data changes specified by the data change request (col. 7 lines 53-64).

In referring to claim 4, Jain shows an identifier corresponding to characteristic of the network-capable device that generated the request (transaction_id, col. 7 lines 58-62).

Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Jain in view LaRue in further view of Niblett (US 5802322).

Jain shows substantial features of the claimed invention but does not show each originating database or "endpoint", as claimed, having an endpoint number corresponding to the endpoint. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Jain in view of LaRue as evidenced by Niblett.

In an analogous art, Niblett show a system for serializing updates in a data conferencing network. Niblett shows:

Identifier comprising an endpoint number corresponding to the endpoint that originated the data change request (col. 8 line 31-36).

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Request sequence numbers comprise endpoint relative sequence numbers, causing the data change request to be processed in an order dependent on the endpoint relative sequence number (col. 8 line 64- col. 9 line 8).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Jain by employing the features taught by Niblett in order to effect updates in an order in which they are made.

In referring to claim 7, "dependency identifier" identifies the order of an update in relation to all other updates in the communications network. Niblett shows an update level is disclosed in each update request (col. 6 line 64- col. 7 line 17).

In referring to claim 8, 9, and 13, Niblett shows the update level specifies the update on which it depends by incrementing the update level by one. Therefore update is dependent on the update received just before it (col. 6 line 64- col. 7 line 46).

In referring to claim 10, Jain shows the execution of do, undo and redo operations with respect to data change request (col. 23 lines 40-46).

In referring to claim 11, see rejection for claim 6-10 disclosed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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AC

July 29, 2003



KRISNA LIM
PRIMARY EXAMINER